

EXHIBIT - “A”

February 11, 2013

Darrel Cummings DC# 088532
South Bay Correctional Facility
P. O. Box 7171
South Bay, FL 33493

U.S. Bankruptcy Court
J.W. McCormack Post Office & Courthouse
5 Post Office Square, Suite 1150
Boston, MA 02109-3945

In Re: **New England Compounding Pharmacy, Inc.**
U.S. Bankruptcy Court Case No: 12-19882

Dear Honorable Clerk of the U.S. Bankruptcy Court:

I have filed a claim against the New England Compounding Center, which is pending in the U.S. District Court, Southern District of Florida, Case No. 9:12-CV-81493-WPD. On January 30, 2013, I received a **Notice of Hearing** in this matter on the same day the hearing was held at the U.S. Trustee's Office.


However, as a pro se litigant my concerns are my right that may be waived or compromised. I am very much aware that you cannot give me legal advice. Yet, I would like to first inquire about the hearing that was held on January 30, 2013: whether there was any decisions made by the court on record that I could obtain. My circumstances are quite unique because I can't inspect any documents regarding this case in the bankruptcy clerk's office in Massachusetts or your website, because I am incarcerated in the State of Florida. I am sure that most of the plaintiff's are represented by counsel who would most likely receive a copy of the courts plans and disclosure statement telling me about the plan by the use of electronic communications, which is prohibited in the State of Florida for me as a prisoner to receive.

Thus my opportunity to vote on the plan is hampered and may be nullified altogether if in fact the plan is not forwarded to me via U.S. mail. Even though I was forwarded a Notice of the Confirmation hearing. I was prohibited from stating my objections to confirmation of the plan or to attend the hearing, telephonically or otherwise.

In protection of my rights, I would think that the debtor should provide a more prompt Notice, and provide a copy of any papers filed in this bankruptcy case as nothing has been disclosed to me, but the Notice of Hearing. I was further informed from this notice that, "Proof of Claim must be received by the Bankruptcy Clerk's Office by [a] following deadline: which will be sent at a later time."

If it is any indication from the Notice of Hearing that I received on the same day the hearing was held, and I had no time to respond. It would seem fair to anticipate receiving the deadline date on the day it should expire. In a effort to prevent this from occurring, I am informing the court of my claim. I am also respectfully requesting: (1) copies of all papers filed in this case, and (2) "A proof of claim form" (Official form B10) which I can 'not' obtain off of the United States Courts website because of my incarcerated status the State of Florida.

Respectfully Submitted



Cc: Attorney for Debtor(s)
Daniel C. Cohn
Martha Cullina LLP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NUMBER: 9:12-CV-81413-WPB

DARREL CUMMINGS,
Plaintiff,

V.
NEW ENGLAND COMPOUNDING CENTER, et.al.,
Defendant(s)

To: Jessica L. Conte
BrownRudnick
One Financial Center
Boston, Massachusetts 02111

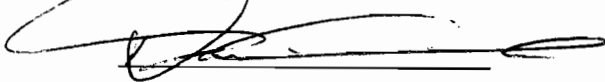
Fr: Darrel Cummings DC# 088532
South Bay Correctional Facility
P. O. Box 7171
South Bay, Florida 33493

Re: **To January 15, 2014 bar date proof of claim filed**

Dear Ms. Conte:

Please allow me to first apologize in advance should this produce an inconvenience, for that is not my intention. However, I am compelled by necessity to write you this inquiry about the status of the settlement agreement. As I have yet to hear from anyone on this very important matter pertaining to my portion of the agreement. If an agreement has been reached, I will like to know what the settlement was, whom the recipients of the agreed amount are, and when it will be disbursed. If you would kindly response to this inquiry, I will highly appreciate it.

Sincerely,



Cc: Paul D Moore, Esq., Chapter 11 Trustee

BLEAKLEY BAKER CHAMBERS

EXHIBIT - “B”

UNITED STATES BANKRUPTCY COURT
DISTRICT COURT MASSACHUSETTS
CASE NO. 12-19882

DARREL CUMMINGS,
Creditor

v.

NEW ENGLAND COMPOUNDING PHARMACY, INC.
Debtor(s)

MOTION FOR CONTINUANCE

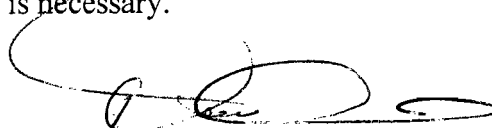
COMES NOW, Creditor, Darrel Cummings, pro se, and pursuant to Notice of Hearing, issued by Counsel for Chapter 11 Trustee, Jeffrey D. Sternklar. This Notice of Hearing was filed and served on March 21, 2013. However, Creditor did not receive Notice until the 27th of March 2013, and hereby file a Motion for Continuance if necessary. Creditor states the following in support:

1. Notice of Hearing is established to be set on April 3, 2013.
2. Creditor on February 11, 2013, in retrospection to hearing, contacted this Honorable Court by letter for Florida, and forwarded counsel for Debtor a true copy.
3. This letter informed the court in pertinent parts that, he could not inspect any documents regarding this case . . . his opportunity to vote on plan is hampered and will be nullified altogether if the plan and proof of claim form is not forwarded to him via U.S. Mail.
4. Your Honor's order ordered the Clerk on February 26, 2013 to send Creditor the proof of claim form, and forward letter to Chapter 11 Trustee and Counsel.

5. As such Creditor has not received any motions regarding hearing in order to provide an adequate objection or response from the Trustee or counsel. In particular, DOC. 141, motion as indicated on most recent notice.

WHEREFORE, Creditor would respectfully request this Honorable Court to issue a continuance only if an objection or response is necessary.

3/27/13
Date


Darrel Cumming pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy was furnished to: Jeffery D. Sternklar (BBO #549561) 100 High Street, Suit #2400, Boston, MA 02110-1724, on this 27th day of March 2013 by U.S. Mail.



Darrel Cummings DC# 088532
South Bay Correctional Facility
P. O. Box 7171
South, Florida 33493

EXHIBIT - “C”

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Debtor.

Chapter 11

Case No. 12-19882 (HJB)

**NOTICE OF NONEVIDENTIARY HEARING ON CHAPTER 11
TRUSTEE'S MOTION FOR ORDER DESIGNATING MANNER OF
SERVICE OF 9019 MOTIONS AND APPROVING FORM AND MANNER
OF SERVICE OF NOTICE OF HEARINGS ON 9019 MOTIONS**

PLEASE TAKE NOTICE that pursuant to an order entered by the Bankruptcy Court on May 8, 2014 [Docket No. 718], attached hereto as **Exhibit A**, a hearing on the *Chapter 11 Trustee's Motion for Order Designating Manner of Service of 9019 Motions and Approving Form and Manner of Service of Notice of Hearings on 9019 Motions* [Docket No. 715] will be held on **Friday, May 30, 2014 at 10:00 a.m.**, at the United States Bankruptcy Court, John W. McCormack Post Office and Court House, Court Room #2, 5 Post Office Square, Boston, MA 02109.

PLEASE TAKE FURTHER NOTICE that the above-referenced order modifies and supersedes the prior *Notice of Nonevidentiary Hearing* entered by the Bankruptcy Court on May 7, 2014 [Docket No. 717], scheduling the hearing for May 27, 2014 at 2:00 p.m. Accordingly, the May 27, 2014 hearing has been cancelled.

Dated: May 8, 2014

DUANE MORRIS LLP

/s/ Jeffrey D. Sternklar

Jeffrey D. Sternklar (BBO# 549561)
100 High Street, Suite 2400
Boston, MA 02110-1724
Phone: (857) 488-4200
Email: jdsterklar@duanemorris.com

Counsel for Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Debtor.

Chapter 11

Case No. 12-19882 (HJB)

**CHAPTER 11 TRUSTEE'S MOTION FOR ORDER DESIGNATING MANNER
OF SERVICE OF 9019 MOTIONS¹ AND APPROVING FORM AND MANNER
OF SERVICE OF NOTICE OF HEARINGS ON 9019 MOTIONS**

Paul D. Moore, the duly appointed chapter 11 Trustee ("Trustee") of New England Compounding Pharmacy, Inc. (the "Debtor" or "NECC"), hereby moves this Court (this "Motion") for entry of an order (i) designating the parties on whom he must serve copies of the 9019 Motions, and (ii) designating the form, manner and scope of service of the notice of any hearings on the 9019 Motions. In support of this Motion, the Trustee respectfully states as follows:

PRELIMINARY STATEMENT

1. Contemporaneously with the filing of this Motion, the Trustee has filed the 9019 Motions. If approved and consummated, the settlements set forth in the 9019 Motions will provide the initial funding for a chapter 11 plan that the Trustee hopes will furnish a mechanism to provide meaningful compensation to personal injury claimants with allowed claims who have

¹ The "9019 Motions" are (i) Chapter 11 Trustee's Motion to Compromise Controversies and to Approve Plan Support and Funding Agreement, and Related Escrow Agreement, With Certain Insiders and Affiliates of Debtor, and for Certain Related Relief, (ii) Chapter 11 Trustee's Motion to Approve Compromise of Controversies and Settlements With Pharmacists Mutual Insurance Company and Maxum Indemnity Company, and (iii) Chapter 11 Trustee's Motion to Approve Compromise of Controversies and Insurance Settlement and Release Agreement With GDC Properties Management, LLC, its Insurer and Certain of its Insiders.

05/08/2014 THE HEARING ON THIS MOTION ORIGINALLY SCHEDULED FOR MAY 27, 2014 HAS BEEN RESCHEDULED FOR MAY 30, 2014 AT 10:00 A.M. IN COURTROOM #2 IN BOSTON. PARTIES SHOULD NOTE THE CHANGES IN TIME, DATE, AND LOCATION OF THE HEARING.

From:

06/18/2014 16:00

#411 P.002

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

IN RE:

NEW ENGLAND COMPOUNDING
PHARMACY, INC.

CHAPTER 11
CASE NO. 12-19882 (HFB)

MOTION TO ATTEND HEARING TELEPHONICALLY

DAVIDE NOVO, CREDITOR, DANIEL CUMMINGS, HEBBY FILES
HAS MOTION TO ATTEND NONEVIDENTIARY HEARING ON
CHAPTER 11 TRUSTEE'S MOTION FOR ORDER DESIGNATING
MANNER OF SERVICE OF 9C19 MOTIONS AND APPROVING
FORM AND MANNER OF SERVICE OF NOTICE OF HEARING
ON 9C19 MOTIONS SCHEDULED ON FRIDAY, MAY 30, 2014

AT 10:00 AM. AT THE UNITED STATE BANKRUPTCY COURT,
JOHN W. MCCORMACK POST OFFICE AND RESPECTFULLY SUBMITTED
COURT HOUSE RM 2, 5 POST OFFICE
SQUARE, BOSTON, MA 02119.

EXHIBIT - “D”

CASREF,PAW

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:12-cv-81413-WPD**

Cummnings v. New England Compounding Center et al
Assigned to: Judge William P. Dimitrouleas
Referred to: Magistrate Judge Patrick A. White
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 12/26/2012
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Darrel Cummings

represented by **Darrel Cummings**
088532
South Bay Correctional Facility
Inmate Mail/Parcels
600 U.S. Highway 27 South
South Bay, FL 33493
PRO SE

V.

Defendant

New England Compounding Center
Barry Caden, CEO

Defendant

Warden Tom Levins
GEO Group Inc.
TERMINATED: 12/03/2013

Defendant

Ms. N. Finnisse
MSM, HSA

represented by **Gregory A. Kummerlen**
Wiederhold, Moses, Kummerlen &
Waronicki, P.A.
560 Village Boulevard, Suite 240
PO Box 3918
West Palm Beach, FL 33402
561-615-6775
Fax: 615-7225
Email: gkummerlen@wmrfla.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

J. Dauphin, D.O.

represented by **Gregory A. Kummerlen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dr. Jules Heller, M.D.
Medical Director

represented by **Gregory A. Kummerlen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dr. Robert Lins, M.D.
Orthopedic Specialist
TERMINATED: 12/03/2013

Defendant

Officer McIntire
CO1

represented by **Gregory A. Kummerlen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dr. L. King
D.O., GEO Group Inc.

Date Filed	#	Docket Text
12/26/2012	<u>1</u>	Civil Rights COMPLAINT Form For Use In Actions Under 42 U.S.C. 1983 against Dr. J. Duaphin, D.O., N. Finnisse, Dr. Jules Heller, M.D., Tom Levins, Dr. Robert Lins, M.D., McIntire, New England Compounding Center. Filing fee \$ 350.00 No fee/No IFP, filed by Darrel Cummnings. (Attachments: # <u>1</u> Exhibits A-L)(yar) (Entered: 12/27/2012)
12/26/2012	2	Judge Assignment to Judge William P. Dimitrouleas (yar) (Entered: 12/27/2012)
12/26/2012	3	Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003-19 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (yar) (Entered: 12/27/2012)
12/28/2012	<u>4</u>	ORDER REQUIRING PAYMENT OF FILING FEE OR FILING OF MOTION TO PROCEED IFP WITH DETAILED AFFIDAVIT. Filing Fee due by 1/24/2013. Motions due by 1/24/2012. Signed by Magistrate Judge Patrick A. White on 12/28/2012. (Attachments: # <u>1</u> Affidavit IFP) (tw) (Entered: 12/28/2012)
12/28/2012	<u>5</u>	ORDER OF INSTRUCTIONS TO PRO SE LITIGANT. Signed by Magistrate Judge Patrick A. White on 12/28/2012. (tw) (Entered: 12/28/2012)

12/28/2012	<u>6</u>	NOTICE of Stay by Reason of Bankruptcy by New England Compounding Center (Bavol, Charles) Modified text on 12/31/2012 (yha). (Entered: 12/28/2012)
01/11/2013	<u>7</u>	MOTION for Leave to Proceed in forma pauperis by Darrel Cummings. (tpl) (Entered: 01/11/2013)
01/16/2013	<u>8</u>	MOTION for Leave to Proceed in forma pauperis by Darrel Cummings. (cbr) (Entered: 01/17/2013)
02/05/2013	<u>9</u>	ORDER PERMITTING PLAINTIFF TO PROCEED WITHOUT PREPAYMENT OF FILING FEE BUT ESTABLISHING DEBT TO CLERK OF \$350.00 and Granting <u>7</u> Motion for Leave to Proceed in forma pauperis; granting <u>8</u> Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Patrick A. White on 2/5/2013. (tw) (Entered: 02/05/2013)
02/15/2013	<u>10</u>	ORDER RE SERVICE OF PROCESS REQUIRING PERSONAL SERVICE UPON AN INDIVIDUAL. The United States Marshal shall serve a copy of the complaint and appropriate summons upon: Dr. J. Dauphin, Physician, South Bay Correctional Facility, 600 U.S. Highway 27, South Bay, FL 33493 and Dr. Jules Heller Medical Director South Bay Correctional Facility, 600 U.S. Highway 27 South Bay, FL 33493. Signed by Magistrate Judge Patrick A. White on 2/15/2013. (tw) (Entered: 02/15/2013)
02/15/2013	<u>11</u>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <u>1</u> Complaint, filed by Darrel Cummings. Recommending 1. Claims for denial of adequate medical treatment continue against Drs. Dauphin and Heller, and against Dr. Heller for retaliation. 2. Claims against Warden Levins, Finnisse, Dr. Lins and Officer McIntire, and the CEO of New England Compounding Center be dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. Objections to R&R due by 3/4/2013 Signed by Magistrate Judge Patrick A. White on 2/15/2013. (tw) (Entered: 02/15/2013)
02/21/2013	<u>12</u>	Summons Issued as to J. Duaphin, D.O.. (br) (Entered: 02/21/2013)
02/21/2013	<u>13</u>	Summons Issued as to Jules Heller, M.D.. (br) (Entered: 02/21/2013)
03/01/2013	<u>14</u>	OBJECTIONS to <u>11</u> Report and Recommendations by Darrel Cummings. (cbr) (Entered: 03/01/2013)
03/01/2013	<u>15</u>	SUPPLEMENTAL Attachments to <u>14</u> Objections to Report and Recommendations by Darrel Cummings (cbr) (Entered: 03/01/2013)
03/06/2013	<u>16</u>	MOTION to Correct Clerical Error re <u>14</u> Objections to Report and Recommendations by Darrel Cummings. Responses due by 3/25/2013 (cbr) (Entered: 03/06/2013)
03/11/2013	<u>17</u>	MOTION for Preliminary Injunction by Darrel Cummings. (cbr) (Entered: 03/12/2013)
03/13/2013	<u>18</u>	ORDER ADOPTING IN PART REPORT AND RECOMMENDATIONS and SUSTAINING IN PART OBJECTIONS; re <u>11</u> Report and Recommendations ; Granting <u>16</u> Motion to Amend/Correct clerical errors. ORDER REFERRING this matter to Judge Patrick A. White for further proceedings as appropriate,

		including the Pending Request for an injunction : <u>17</u> MOTION for Preliminary Injunction filed by Darrel Cummings. Signed by Judge William P. Dimitrouleas on 3/12/2013. (gp) (Entered: 03/13/2013)
03/15/2013	<u>19</u>	ORDER that the United States Marshal shall serve a copy of the complaint and appropriate summons upon:Ms. N. Finnisse, MSM, Health Service Administrator, South Bay Correctional Facility, 600 U.S. Highway 27 South, South Bay, FL 33493. Signed by Magistrate Judge Patrick A. White on 3/15/2013. (tw) (Entered: 03/15/2013)
03/18/2013	<u>20</u>	Summons Issued as to N. Finnisse. (br) (Entered: 03/18/2013)
03/25/2013	<u>21</u>	AMENDED COMPLAINT against All Defendants, filed by Darrel Cummings. (cbr) (Entered: 03/26/2013)
04/01/2013	<u>22</u>	MOTION for Preliminary Injunction and Restraining Order (Responses due by 4/18/2013) by Darrel Cummings. (cbr) (Entered: 04/02/2013)
04/01/2013	<u>23</u>	Summons (Affidavit) Returned Unexecuted as to J. Duaphin, D.O.. (cbr) (Entered: 04/02/2013)
04/01/2013	<u>24</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint, with a 21 day response/answer filing deadline Jules Heller, M.D. served on 3/21/2013, answer due 4/11/2013. (cbr) (Entered: 04/02/2013)
04/05/2013	<u>25</u>	SUPPLEMENTAL REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <u>21</u> Amended Complaint filed by Darrel Cummings. Recommending 1. It is therefore recommended that the amended complaint shall be admitted solely as to permit the claim of denial of adequate medical care to continue against Officer McIntire. (DE#21)2. She will be served by separate order. Objections to R&R due by 4/22/2013 Signed by Magistrate Judge Patrick A. White on 4/5/2013. (tw) (Entered: 04/05/2013)
04/05/2013	<u>26</u>	REPORT AND RECOMMENDATIONS. Dismissing without prejudice as premature <u>17</u> MOTION for Preliminary Injunction filed by Darrel Cummings and denying <u>22</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Darrel Cummings. Objections to R&R due by 4/22/2013 Signed by Magistrate Judge Patrick A. White on 4/5/2013. (tw) (Entered: 04/05/2013)
04/11/2013	<u>27</u>	ANSWER and Affirmative Defenses to Complaint with Jury Demand by Jules Heller, M.D..(Kummerlen, Gregory) (Entered: 04/11/2013)
04/22/2013	<u>28</u>	OBJECTIONS to <u>25</u> , <u>26</u> Report and Recommendations by Darrel Cummings. (cbr) (Entered: 04/23/2013)
04/25/2013	<u>29</u>	OBJECTIONS to Magistrate <u>25</u> , <u>26</u> Report and Recommendations, Attachment Process Receipt and Return United States Marshall Service by Darrel Cummings. (ral) (Entered: 04/26/2013)
05/02/2013	<u>30</u>	ANSWER and Affirmative Defenses to Complaint with Jury Demand by N. Finnisse.(Kummerlen, Gregory) (Entered: 05/02/2013)
05/09/2013	<u>31</u>	RENEWED MOTION for Preliminary Injunction by Darrel Cummings. (asl) (Entered: 05/09/2013)

05/09/2013	<u>32</u>	SUMMONS (Affidavit) Returned Executed on <u>21</u> Amended Complaint with a 14 day response/answer filing deadline pursuant to Fed. R. Civ. P. 15 N. Finnisse served on 4/26/2013, answer due 5/10/2013. (asl) (Entered: 05/09/2013)
05/10/2013	<u>33</u>	OMNIBUS ORDER Adopting and Approving Reports of Magistrate Judge and Overruling Objections; denying <u>17</u> Motion for Preliminary Injunction; denying <u>22</u> Motion for Preliminary Injunction; denying <u>22</u> Motion for Temporary Restraining Order; adopting <u>25</u> Report and Recommendations; adopting Report and Recommendations re <u>26</u> Report and Recommendations. Certificate of Appealability: No Ruling. Referring <u>31</u> to Magistrate Judge White. Signed by Judge William P. Dimitrouleas on 5/10/2013. (asl) (Entered: 05/10/2013)
05/10/2013	<u>34</u>	RENEWED MOTION for Preliminary Injunction by Darrel Cummings. (asl) (Entered: 05/10/2013)
06/03/2013	<u>35</u>	Summons (Affidavit) Returned Unexecuted as to J. Duaphin, D.O. (asl) (Entered: 06/04/2013)
06/06/2013	<u>36</u>	MOTION to Furnish Defendant's Update Addresses (Responses due by 6/24/2013) by Darrel Cummings. (asl) (Entered: 06/06/2013)
06/17/2013	<u>37</u>	SECOND MOTION to Furnish Defendant's Updated Addresses by Darrel Cummings. (Address Updated) (yar) (Entered: 06/17/2013)
06/25/2013	38	ORDER granting <u>36</u> Motion ; granting <u>36</u> Motion to Appoint Special Process Server, granting motion to furnish defendants address, service will be ordered by separate order ; denying <u>37</u> Motion to update address, a former attorney and former employer are not proper persons to accept service. Signed by Magistrate Judge Patrick A. White on 6/25/2013. (cz) (Entered: 06/25/2013)
06/25/2013	<u>39</u>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <u>34</u> MOTION for Preliminary Injunction filed by Darrel Cummings, <u>31</u> MOTION for Preliminary Injunction filed by Darrel Cummings. Recommending that the motions for preliminary injunction be dismissed without prejudice as premature (DE#31 & 34). Objections to R&R due by 7/12/2013 Signed by Magistrate Judge Patrick A. White on 6/25/2013. (tw) (Entered: 06/25/2013)
06/25/2013	<u>40</u>	RENEWED MOTION for Preliminary Injunction by Darrel Cummings. (yar) (Entered: 06/25/2013)
06/26/2013	41	ORDER denying <u>40</u> Motion for Preliminary Injunction, this motion was filed on June 25, 2013, and a Report and Recommendation on the plaintiff's motions for TRO was entered on June 25, 2013. Signed by Magistrate Judge Patrick A. White on 6/26/2013. (cz) (Entered: 06/26/2013)
06/28/2013	<u>42</u>	(VACATED by DE# 46.)ORDER that the United States Marshal shall serve a copy of the complaint and appropriate summons upon:Dr. Jean R. Dauphin, 512 West Oakland Park Boulevard, Fort Lauderdale, FL 33311 and Officer McIntire, Correctional Officer, South Bay Correctional Facility, 600 U.S. Highway 27, South Bay, FL 33493. Signed by Magistrate Judge Patrick A. White on 6/28/2013. (tw) Modified to reflect "vacated" on 7/16/2013 (wc). (Entered: 06/28/2013)

07/03/2013	<u>43</u>	Summons Issued as to J. Duaphin, D.O.. (br) (Entered: 07/03/2013)
07/03/2013	<u>44</u>	Summons Issued as to McIntire. (br) (Entered: 07/03/2013)
07/11/2013	<u>45</u>	OBJECTION to the Magistrate's <u>39</u> Report and Recommendations by Darrel Cummings. (yar) (Main Document 45 replaced with complete image on 8/1/2013) (ail). (Entered: 07/11/2013)
07/15/2013	<u>46</u>	*Endorsed OrderReview of the Court's docket reveals that service upon Dr. Jean Dauphin was returned to the Court as unexecuted, and the Marshal noted that this defendant never worked at that address provided. THE PLAINTIFF MUST PROVIDE THE COURT WITH AN UPDATED CURRENT ADDRESS FOR THIS DEFENDANT OR DEFENDANT DAUPHIN WILL BE DISMISSED FROM THIS CASE.ORDER DE42 REQUIRING THE MARSHAL TO FILE A RETURN FOR THIS DEFENDANT IS VACATED. Signed by Magistrate Judge Patrick A. White on 7/15/2013. (cz) (Entered: 07/15/2013)
07/18/2013	<u>47</u>	Summons (Affidavit) Returned Unexecuted as to Dr. J. Dauphin, D.O.. (yar) (Entered: 07/18/2013)
07/19/2013	<u>48</u>	MOTION for Leave to File an Amended Complaint by Darrel Cummings. (Attachments: # <u>1</u> Exhibit - Second Amended Civil Rights Complaint)(yar) (Entered: 07/19/2013)
08/01/2013	<u>49</u>	MOTION to Extend the Time For Service of Process by Darrel Cummings. Responses due by 8/19/2013 (yar) (Entered: 08/01/2013)
08/05/2013	<u>50</u>	ORDER granting <u>49</u> Motion for Extension of Time TO FIND PROPER ADDRESS FOR DEFENDANT DAUPHIN FOR 60 DAYS. NO FURTHER EXTENSIONS WILL BE GRANTED Signed by Magistrate Judge Patrick A. White on 8/5/2013. (cz) (Entered: 08/05/2013)
08/21/2013	<u>51</u>	OMNIBUS ORDER ADOPTING AND APPROVING REPORT OF MAGISTRATE JUDGE AND OVERRULING OBJECTIONS; denying <u>34</u> Motion for Preliminary Injunction; Adopting And Approving <u>39</u> Report and Recommendations. Certificate of Appealability: No Ruling; denying <u>31</u> Motion for Preliminary Injunction. Plaintiff's Objection [DE 45] is hereby OVERRULED. Signed by Judge William P. Dimitrouleas on 08/20/2013. (yar) (Entered: 08/21/2013)
08/26/2013	<u>52</u>	MOTION to Direct the U.S. Marshal to Effectuate Service Upon Defendant Dauphin by Darrel Cummings. Responses due by 9/12/2013 (yar) (Entered: 08/26/2013)
09/04/2013	<u>53</u>	NOTICE of Inquiry by Darrel Cummings (yar) (Entered: 09/04/2013)
09/04/2013	<u>54</u>	SUMMONS (Affidavit) Returned Executed on <u>21</u> Amended Complaint with a 14 day response/answer filing deadline pursuant to Fed. R. Civ. P. 15 McIntire served on 9/3/2013, answer due 9/17/2013. (yar) (Entered: 09/04/2013)
09/11/2013	<u>55</u>	MOTION for Reconsideration re <u>51</u> Order Adopting Report and Recommendations,, Order on Motion for Preliminary Injunction,,,,, by Darrel Cummings. (yar) (Entered: 09/11/2013)
09/11/2013	<u>56</u>	

		MOTION to certify an interlocutory appeal pursuant to 28 U.S.C. 1292(a)(b) re <u>51</u> Order Adopting Report and Recommendations,, Order on Motion for Preliminary Injunction,,,,, by Darrel Cummings. (hh) (Entered: 09/12/2013)
09/16/2013	<u>57</u>	ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand by McIntire. Attorney Gregory A. Kummerlen added to party McIntire(pty:dft). (Kummerlen, Gregory) (Entered: 09/16/2013)
09/16/2013	<u>58</u>	ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND MOTION TO CERTIFY INTOLOCUTORY APPEAL; denying <u>55</u> Motion for Reconsideration ; denying <u>56</u> Motion to Certify an Inteterlocutory Appeal Pursuant to 28 U.S.C.1292(a)(b). Signed by Judge William P. Dimitrouleas on 09/16/2013. (yar) (Entered: 09/17/2013)
09/19/2013	<u>59</u>	Plaintiff's Third MOTION to Furnish Defendant's Updated Addresses by Darrel Cummings. (yar) (Entered: 09/19/2013)
09/20/2013	<u>60</u>	ORDER granting <u>52</u> Motion to Appoint Special Process Server. ; granting <u>59</u> Motion to furnish defendantsw updated address in par, Defendant McIntire has been successfully served. Service will be ordered upon Dr. Dauphin at the updated address by separate order. Signed by Magistrate Judge Patrick A. White on 9/20/2013. (cz) (Entered: 09/20/2013)
09/23/2013	<u>61</u>	Discovery and Request For Production of Documents by Darrel Cummings. (yar) (Entered: 09/23/2013)
09/24/2013	<u>62</u>	ORDER that the United States Marshal shall serve a copy of the complaint and appropriate summons upon:Dr. Jean Dauphin, Dade County Jail, 1321 N.W. 13th Street, Miami, FL 33125. Signed by Magistrate Judge Patrick A. White on 9/24/2013. (tw) (Entered: 09/24/2013)
09/25/2013	<u>63</u>	Summons Issued as to J. Dauphin, D.O.. (yar) (Entered: 09/25/2013)
09/26/2013	<u>64</u>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <u>48</u> MOTION for Leave to File filed by Darrel Cummings, <u>61</u> MOTION to Produce filed by Darrel Cummings. Recommending 1. It is therefore recommended that the motion to file a second amended complaint (DE#48) be granted, and a claim of denial of medical treatment continue against Dr. L.King. 2. She will be served by separate order, upon the notification to the Court of her current address. 3. The motion for the address of Dr. King (DE#61) should be denied. Objections to R&R due by 10/15/2013 Signed by Magistrate Judge Patrick A. White on 9/26/2013. (tw) (Entered: 09/26/2013)
10/24/2013	<u>65</u>	MOTION Requesting Limited Discovery by Darrel Cummings. Responses due by 11/12/2013.(yar) (Entered: 10/24/2013)
10/28/2013	<u>66</u>	ORDER denying <u>65</u> Motion for Discovery. Signed by Magistrate Judge Patrick A. White on 10/28/2013. (cz) (Entered: 10/28/2013)
10/31/2013	<u>67</u>	ORDER ADOPTING REPORT OF MAGISTRATE JUDGE; granting <u>48</u> Motion for Leave to File ; denying <u>61</u> Motion to Produce; Adopting and Approving <u>64</u> Report and Recommendations. Certificate of Appealability: No Ruling.The Plaintiff shall separately file the amended complaint [DE 48-1] on

		the docket. Signed by Judge William P. Dimitrouleas on 10/30/2013. (yar) (Entered: 10/31/2013)
11/12/2013	<u>68</u>	MOTION for Reconsideration of Magistrate Judge's Report re <u>64</u> REPORT AND RECOMMENDATIONS on 42 USC 1983 case by Darrel Cummings. (yar) Modified text/docket entry relationship on 11/12/2013 (yar). (Entered: 11/12/2013)
11/25/2013	<u>69</u>	NOTICE of Inquiry by Darrel Cummings (Docket Sheet Mailed) (yar) (Entered: 11/25/2013)
12/03/2013	<u>70</u>	NOTICE of Compliance by Darrel Cummings re <u>67</u> Order Adopting Report and Recommendations, Order on Motion for Leave to File, Order on Motion to Produce (asl) (Entered: 12/03/2013)
12/03/2013	<u>71</u>	SECOND AMENDED COMPLAINT against J. Dauphin, D.O., N. Finnisse, Jules Heller, M.D., McIntire, New England Compounding Center, L. King filed in response to Order Granting Motion for Leave, filed by Darrel Cummings.(asl) (Entered: 12/03/2013)
12/05/2013	<u>72</u>	MOTION to Furnish Defendant Dr. Loretha King's Updated Address by Darrel Cummings. (yar) (Entered: 12/05/2013)
12/09/2013	<u>73</u>	ORDER granting <u>72</u> Motion to attempt service at the address provided for defendant King.. Signed by Magistrate Judge Patrick A. White on 12/9/2013. (cz) (Entered: 12/09/2013)
12/12/2013	<u>74</u>	ORDER that the United States Marshal shall serve a copy of the complaint and appropriate summons upon:Dr. Loretha King, GEO Care Corporate, 1583 Common Street, #213, New Braunfels, TX 78130. Signed by Magistrate Judge Patrick A. White on 12/11/2013. (tw) (Entered: 12/12/2013)
12/12/2013	<u>75</u>	Summons Issued as to L. King. (br) (Entered: 12/12/2013)
12/18/2013	<u>76</u>	ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand by J. Dauphin, D.O., N. Finnisse, Jules Heller, M.D., McIntire. Attorney Gregory A. Kummerlen added to party J. Dauphin, D.O.(pty:dft). (Kummerlen, Gregory) (Entered: 12/18/2013)
12/18/2013	<u>77</u>	SUMMONS (Affidavit) Returned Executed on <u>71</u> Amended Complaint with a 14 day response/answer filing deadline pursuant to Fed. R. Civ. P. 15 served on 12/17/2013, answer due 12/31/2013. (gp) (Entered: 12/19/2013)

PACER Service Center			
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Billable Pages:	6	Cost:	0.60

Defendant

Dr. Robert Lins, M.D.
Orthopedic Specialist
 TERMINATED: 12/03/2013

Defendant



Officer McIntire
 C01



represented by **Gregory A. Kummerlen**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

Dr. L. King
 D.O., GEO Group Inc.



Date Filed	#	Docket Text
02/11/2014	<u>78</u>	ORDER SECOND AMENDED COMPLAINT. 1. The second amended complaint is now the operative complaint. 2. No further amendments shall be permitted. 3. A Separate pre-trial statement shall be entered. Signed by Magistrate Judge Patrick A. White on 2/11/2014. (tw) (Entered: 02/11/2014)
02/18/2014	<u>79</u>	SCHEDULING ORDER: Amended Pleadings due by 6/18/2014. Discovery due by 6/4/2014. Joinder of Parties due by 6/18/2014. Motions due by 7/8/2014. Signed by Magistrate Judge Patrick A. White on 2/14/2014. (tw) (Entered: 02/18/2014)
02/28/2014	<u>80</u>	NOTICE of Inquiry directed to the U.S. Marshal Service regarding service of process as to defendant Dr. Loretha King by Darrel Cummings (ls) (Entered: 03/03/2014)
03/11/2014	<u>81</u>	Plaintiff's First Request For Production of Documents by Darrel Cummings. (yar) (Entered: 03/12/2014)
03/12/2014	<u>82</u>	Summons (Affidavit) Returned Unexecuted as to Dr. L. King. (yar) (Entered: 03/13/2014)
03/13/2014	<u>83</u>	ORDER denying <u>81</u> Motion to Produce. All discovery requests should be sent directly to the defendants. Signed by Magistrate Judge Patrick A. White on 3/13/2014. (cz) (Entered: 03/13/2014)
03/20/2014	<u>84</u>	NOTICE of Filing Discovery: Plaintiff's First Request For Interrogatories And Production of Documents From Defendant Dauphin by Darrel Cummings.(yar) (Entered: 03/20/2014)
03/20/2014	<u>85</u>	NOTICE of Filing Discovery: Plaintiff's First Request For Interrogatories and Production of Documents From Defendant Finisse by Darrel Cummings.(yar) (Entered: 03/20/2014)
03/20/2014	<u>86</u>	NOTICE of Filing Discovery: Plaintiff's First Request For Interrogatories and Production of Documents From Defendant McIntire by Darrel Cummings.(yar) (Entered: 03/20/2014)
03/20/2014	<u>87</u>	NOTICE of Filing Discovery: Plaintiff's First Request For Interrogatories and Production of Documents From Defendant Heller by Darrel Cummings.(yar) (Entered: 03/20/2014)
03/20/2014	 <u>88</u>	MOTION to Remove And/Or Transfer Defendant(s) CEO, New England Compounding Center to the Multi-District Litigation Court in the District of Massachusetts by Darrel Cummings. (yar) (Entered: 03/20/2014)
03/20/2014	<u>89</u>	NOTICE of Filing Discovery: Plaintiff's First Request For Interrogatories and Productions of Documents From Defendant King by Darrel Cummings.(yar) (Entered: 03/20/2014)
03/27/2014	 <u>90</u>	MOTION for Preliminary Injunction, MOTION for Temporary Restraining Order (Responses due by 4/14/2014) by Darrel Cummings. (yar) (Entered: 03/27/2014)
04/01/2014	<u>91</u>	MOTION to Strike <u>87</u> Notice of Filing Discovery <i>Interrogatories</i> by Jules Heller, M.D.. Responses due by 4/18/2014 (Attachments: # <u>1</u> Exhibit A -)Plaintiff's Interrogatories)(Kummerlen, Gregory) (Entered: 04/01/2014)

04/01/2014	92	ORDER respectfully deferring ruling on <u>88</u> Motion to transfer case to another court to United States District Judge. Signed by Magistrate Judge Patrick A. White on 4/1/2014. (cz) (Entered: 04/01/2014)
04/03/2014	93	ORDER denying <u>91</u> Motion to Strike plaintiff's interrogatories. The plaintiff is not permitted to take depositions and therefore a little leeway is permitted for discovery requests. Signed by Magistrate Judge Patrick A. White on 4/3/2014. (cz) (Entered: 04/03/2014)
04/03/2014	94	ORDER denying as moot <u>68</u> Motion for Reconsideration re <u>64</u> REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <u>48</u> MOTION for Leave to File filed by Darrel Cummings, <u>61</u> MOTION to Produce filed by Darrel Cummings. Signed by Judge William P. Dimitrouleas on 4/3/2014. (ls) (Entered: 04/03/2014)
04/07/2014	95	MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's First Request for Production of Documents</i> by J. Dauphin, D.O., N. Finnisse, Jules Heller, M.D., McIntire. (Kummerlen, Gregory) (Entered: 04/07/2014)
04/07/2014	 96	REPORT AND RECOMMENDATIONS re <u>90</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Darrel Cummings. Recommending denying. Objections to R&R due by 4/24/2014 Signed by Magistrate Judge Patrick A. White on 4/7/2014. (tw) (Entered: 04/07/2014)
04/08/2014	97	ORDER granting <u>95</u> Motion for Extension of Time to File Response/Reply re <u>95</u> MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's First Request for Production of Documents</i> . Responses due by 4/17/2014 Re: <u>95</u> MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's First Request for Production of Documents</i> . Signed by Magistrate Judge Patrick A. White on 4/8/2014. (cz) (Entered: 04/08/2014)
04/10/2014	98	RESPONSE in Opposition re <u>91</u> MOTION to Strike <u>87</u> Notice of Filing Discovery <i>Interrogatories</i> filed by Darrel Cummings. (cbr) (Entered: 04/10/2014)
04/10/2014	 99	MOTION for Extension of Time to Complete Discovery by J. Dauphin, D.O., N. Finnisse, Jules Heller, M.D., McIntire. (Kummerlen, Gregory) (Entered: 04/10/2014)
04/15/2014	100	NOTICE of INQUIRY by Darrel Cummings (gp) (Entered: 04/15/2014)